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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **Pauli SEPPINEN et al**

U.S. Serial No.: **10/606,284**

Examiner: **Eugene Yun**

Filed: **June 25, 2003**

Group Art Unit: **2618**

For: **BLUETOOTH RF BASED RF-TAG READ/WRITE STATION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

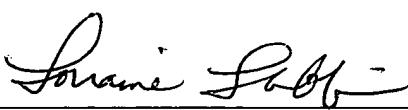
PRE-APPEAL BRIEF REQUEST FOR REVIEW
ACCOMPANIED BY NOTICE OF APPEAL

Sir:

In response to the Final Action of October 14, 2009, Applicant requests review of the rejection prior to preparing an Appeal Brief for the following reasons:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Lorraine F. Kniffin

Dated: 3/4/10

REMARKS

This Request for Review is filed with a Notice of Appeal with fee in response to the Final Action of December 4, 2009.

Based on the claim language, the pending claims include a limitation where the mixer is configured to be operable in both of the two modes (emphasis supplied):

1. A dual mode transceiver, comprising:
 - a mixer; and
 - a controller configured to adapt the transceiver to operate in two modes operating either as a radio frequency tag reader or as a Bluetooth transceiver by changing reception and transmission capabilities of the transceiver, wherein the controller is configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The prior art does not show or suggest the claimed invention as a whole and, in particular, does not show or suggest a controller configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The Examiner raised an issue in the Advisory Action concerning the meaning of the above mentioned limitation. The Examiner stated in the Advisory Action that nowhere in the claims does it specifically state that the mixer must operate **only** in the Bluetooth or **only** in the

RFID mode. However, the claims include only a limitation that the mixer must be operable either of the two modes in some shape or form.

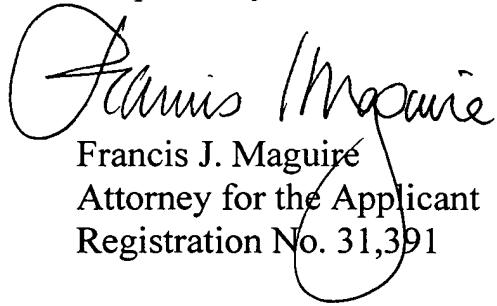
It seems that if the Applicants were to accept the interpretation of the claim or were to insert additional or substitute language suggested by the Examiner, then it could later be susceptible to an incorrect interpretation that the mixer must operate only in the Bluetooth or only in the RFID mode but not both, as claimed.

The claim claims the "mixer" in the singular and it is clear from the claim that the mixer is controlled to operate in both of the two modes. The mode in which it is operating depends on how the controller controls it.

It is of course true that the mixer is operating only in the Bluetooth mode when it is controlled to be operating in the Bluetooth mode and that it is only operating in the RFID mode when it is controlled to be operating in the RFID mode. But that is evident from the language of the claim as currently pending.

Review of the rejection and reopening of prosecution to allowance is requested.

Respectfully submitted,



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